THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 7273 of 2007

Dated 10th April 2007

Between:

Mohd.Farkhunda Ali & another

... Petitioners

and

The Regional Transport Authority, Attapur,
Ranga Reddy District & others

... Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 7273 OF 2007

O R D E R:

The Bajaj Minidor Autorickshaw of the 1st petitioner, bearing No.AP-23T-5214, was seized on 21.3.2007, on the ground that the petitioners failed to produce the necessary documents, in relation to it. The petitioners challenge the seizure.

Heard the learned counsel for the petitioners and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 21.3.2007, issued by the 3rd respondent, discloses that the 2nd petitioner was running the vehicle in No-Entry Zone, and that he did not produce Permit, Driving Licence, Fitness Certificate and proof of payment of tax. Certain other lapses were also pointed out. The liability of the petitioner, in the context of these observations, needs to be established, in the

proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 3rd respondent, till such proceedings take place, not only the petitioners would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected, by imposing necessary conditions, while permitting the petitioners to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a) The Bajaj Minidor Autorickshaw, bearing No.AP-23T-5214, shall be released to the petitioners, on their depositing a sum of Rs.5,000/- (Rupees Five Thousand Only).

b) The petitioners shall also furnish an undertaking, to the effect that they shall not alienate the vehicle, till the proceedings in pursuance of the Check Report are finalized, and that they shall produce the vehicle, as and when required.

c) The petitioners shall be entitled to operate the vehicle only after paying the dues of tax, if any.

There shall be no order as to costs.

10th April 2007

Note: Issue C.C. today.
(B/o)
PAN